

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCOTT,

Plaintiff,

v.

Case No. 13-12781

Honorable Linda V. Parker

MARILYN BRADFORD, WILLIAM
MOLLISON, CHRISTOPHER
CORRIVEAU, MARTIN BAY, D. BISHOP,
C. KOBEL, L. LACEY, and T.
BRANDERVER,

Defendants.

**OPINION AND ORDER DISMISSING PLAINTIFF'S COMPLAINT WITHOUT
PREJUDICE AGAINST DEFENDANTS MARTIN BAY, C. KOBEL, L. LACEY,
AND T. BRANDERVER FOR FAILURE TO TIMELY EFFECTUATE SERVICE**

Plaintiff David Scott commenced this civil rights action pursuant to 42 U.S.C. §§ 1983 and 1988 against Defendants on June 24, 2013. Plaintiff filed an amended complaint on December 10, 2013. The matter has been assigned to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 4.)

On July 10, 2014, Magistrate Judge Grand issued an order requiring Plaintiff to show cause by July 25, 2014, as to why his Complaint should not be dismissed without prejudice against Defendants Martin Bay, C. Kobel, L. Lacey, and T. Branderver, due to

Plaintiff's failure to effectuate timely service on those defendants. (ECF No. 63.) When Plaintiff failed to respond to the show cause order, Magistrate Judge Grand issued a Report and Recommendation ("R&R") on August 15, 2014, recommending that this Court dismiss Plaintiff's Complaint against these defendants without prejudice. (ECF No. 66.) At the conclusion of his R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 4.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand.

Accordingly,

IT IS ORDERED, that Magistrate Judge Grand's R&R is adopted;

IT IS FURTHER ORDERED, that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** against Defendants Martin Bay, C. Kobel, L. Lacey, and T. Branderver, only.

S/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 9, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 9, 2014, by electronic and/or U.S. First Class mail.

S/ Richard Loury
Case Manager